

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEYBANK NATIONAL ASSOCIATION,

Plaintiff,

-against-

MONOLITH SOLAR ASSOCIATES LLC, et al.,

Defendants.

Case No. 1:19-CV-1562-
DNH-ATB

**ORDER AUTHORIZING SALE OF ASSETS FREE AND CLEAR
OF LIENS AND ENCUMBRANCES**

UPON the Motion of Daniel Scouler, the Court appointed Receiver herein (the “Receiver”), dated November 1, 2021 (the “Motion”) seeking an Order approving the Receiver’s sale of certain property located on Airport Road in Colchester, Delaware County, New York (the “Downsville Property”), which is owned by Receivership Defendant Load Zone D and E LLC herein; and it appearing that the same is authorized under Paragraph 17 of this Court’s Order of Appointment dated December 20, 2019 [Dkt. No. 7] as modified [Dkt. Nos. 30, 96], subject to Court approval, and that the sale of the Downsville Property would benefit the Receivership Estate; the Court finds as follows:

A. The Court has authority to approve the Receiver’s sale of the Downsville Property, pursuant to the Court’s broad powers in equity to supervise the Receivership;

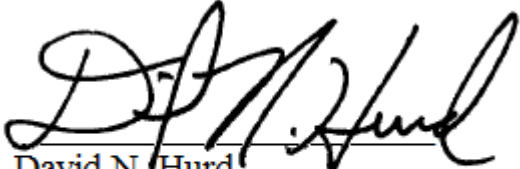
B. Proper and sufficient notice of the Motion has been provided. No other or further notice is required, and a reasonable opportunity to object or be heard regarding the relief requested in the Motion and the transactions pursuant thereto has been afforded to all interested persons and entities entitled to notice of the Motion. Objections, if any, to the Motion have been withdrawn or resolved and, to the extent not withdrawn or resolved, are hereby overruled; and

C. The sale of the Downsville Property is necessary for the Receiver to maximize its value and will not prejudice any party with an interest in the subject asset. Each entity with a lien or encumbrance upon the subject assets will be paid from sale proceeds, has consented to the sale or did not object to the Motion and is deemed to have consented to the sale.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Receiver's Motion is granted.
2. Any objections to the Motion or the relief requested therein that have not been withdrawn, waived, or settled are overruled in all respects and denied.
3. The Receiver is authorized to sell the Downsville Property, pursuant to the terms set forth in the Receiver's Motion.

Dated: December 3, 2021



David N. Hurd
U.S. District Judge